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Docket No.  
P09-99-061

# Declaration and Power of Attorney For Patent Application

## English Language Declaration

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name,

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled

**METHOD, SYSTEM AND PROGRAM PRODUCTS FOR OPERATIONALLY MIGRATING A CLUSTER  
THROUGH EMULATION**

the specification of which

(check one)

☒ is attached hereto.

☐ was filed on \_\_\_\_\_ as United States Application No. or PCT International  
Application Number \_\_\_\_\_  
and was amended on \_\_\_\_\_  
(if applicable)

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose to the United States Patent and Trademark Office all information known to me to be material to patentability as defined in Title 37, Code of Federal Regulations, Section 1.56.

I hereby claim foreign priority benefits under Title 35, United States Code, Section 119(a)-(d) or Section 365(b) of any foreign application(s) for patent or inventor's certificate, or Section 365(a) of any PCT International application which designated at least one country other than the United States, listed below and have also identified below, by checking the box, any foreign application for patent or inventor's certificate or PCT International application having a filing date before that of the application on which priority is claimed.

Prior Foreign Application(s)

Priority Not Claimed

\_\_\_\_\_  
(Number)

\_\_\_\_\_  
(Country)

\_\_\_\_\_  
(Day/Month/Year Filed)

☐

\_\_\_\_\_  
(Number)

\_\_\_\_\_  
(Country)

\_\_\_\_\_  
(Day/Month/Year Filed)

☐

\_\_\_\_\_  
(Number)

\_\_\_\_\_  
(Country)

\_\_\_\_\_  
(Day/Month/Year Filed)

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I hereby claim the benefit under 35 U.S.C. Section 119(e) of any United States provisional

\_\_\_\_\_  
(Application Serial No.)

\_\_\_\_\_  
(Filing Date)

\_\_\_\_\_  
(Application Serial No.)

\_\_\_\_\_  
(Filing Date)

\_\_\_\_\_  
(Application Serial No.)

\_\_\_\_\_  
(Filing Date)

I hereby claim the benefit under 35 U. S. C. Section 120 of any United States application(s), or Section 365(c) of any PCT International application designating the United States, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT International application in the manner provided by the first paragraph of 35 U.S.C. Section 112, I acknowledge the duty to disclose to the United States Patent and Trademark Office all information known to me to be material to patentability as defined in Title 37, C. F. R., Section 1.56 which became available between the filing date of the prior application and the national or PCT International filing date of this application:

\_\_\_\_\_  
(Application Serial No.)

\_\_\_\_\_  
(Filing Date)

\_\_\_\_\_  
(Status)  
(patented, pending, abandoned)

\_\_\_\_\_  
(Application Serial No.)

\_\_\_\_\_  
(Filing Date)

\_\_\_\_\_  
(Status)  
(patented, pending, abandoned)

\_\_\_\_\_  
(Application Serial No.)

\_\_\_\_\_  
(Filing Date)

\_\_\_\_\_  
(Status)  
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I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

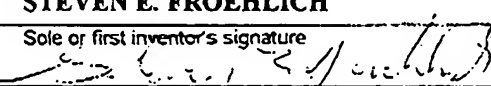
POWER OF ATTORNEY: As a named inventor, I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and transact all business in the Patent and Trademark Office connected therewith. (list name and registration number)

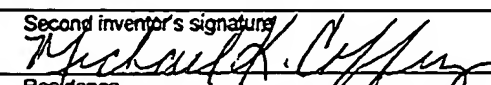
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 William A. Kinnaman, Jr., Reg. No. 27,650  
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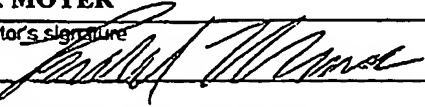
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Fifth inventor's signature	Date
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Citizenship	
Post Office Address	

Full name of sixth inventor, if any	
Sixth inventor's signature	Date
Residence	
Citizenship	
Post Office Address	



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DECEMBER 30, 1999

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HESLIN & ROTHENBERG, P.C.  
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\*101168177A\*

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BRIEF: ASSIGNMENT OF ASSIGNOR'S INTEREST (SEE DOCUMENT FOR DETAILS).

**ASSIGNOR:**

FROEHLICH, STEVEN E.

DOC DATE: 09/30/1999

**ASSIGNOR:**

COFFEY, MICHAEL K.

DOC DATE: 09/30/1999

**ASSIGNOR:**

MOYER, PAUL D.

DOC DATE: 09/30/1999

**ASSIGNEE:**

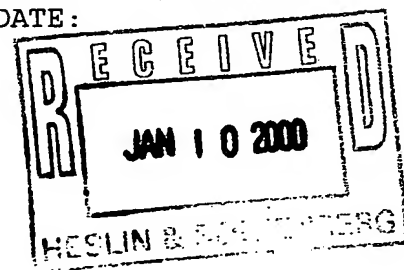
INTERNATIONAL BUSINESS MACHINES  
CORPORATION  
NEW ORCHARD ROAD  
ARMONK, NEW YORK 10504

SERIAL NUMBER: 09408916

PATENT NUMBER:

FILING DATE: 09/30/1999

ISSUE DATE:



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09/408916  
U.S. PTO

## 1. Name of conveying party(ies):

a) Steven E. Froehlich g) \_\_\_\_\_  
 b) Michael K. Coffey h) \_\_\_\_\_  
 c) Paul D. Moyer i) \_\_\_\_\_  
 d) \_\_\_\_\_ j) \_\_\_\_\_  
 e) \_\_\_\_\_ k) \_\_\_\_\_  
 f) \_\_\_\_\_ l) \_\_\_\_\_

More names attached? \_\_\_ Y \_\_\_ x N

## 2. Name and address of receiving party(ies):

Name: INTERNATIONAL BUSINESS  
 MACHINES CORPORATION  
 Address: New Orchard Road  
 Armonk, NY 10504

More names attached? \_\_\_ Y \_\_\_ x N

3. Nature of Conveyance: x Assignment

4. Application number: Filed:  
 Filed with new application: X yes \_\_\_ no

## Execution date(s):

a) September 30, 1999 g) \_\_\_\_\_  
 b) September 30, 1999 h) \_\_\_\_\_  
 c) September 30, 1999 i) \_\_\_\_\_  
 d) \_\_\_\_\_ j) \_\_\_\_\_  
 e) \_\_\_\_\_ k) \_\_\_\_\_  
 f) \_\_\_\_\_ l) \_\_\_\_\_

Additional numbers attached? \_\_\_ Y \_\_\_ x N

09/408916

## 5. Name and address of party to whom correspondence concerning document should be mailed:

Name: Luke J. Yeh  
 Heslin & Rothenberg, P.C.  
 5 Columbia Circle  
 Albany, New York 12203

6. Total # of applications and patents involved: 01

7. Total fee (37 CFR 3.41):  
 \$ 40.00 ✓

8. Charge to Deposit Account  
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Date

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# A S S I G N M E N T

Whereas, we

- |  |  |
|--|--|
| (1) Steven E. Froehlich<br>County of Fairfield | of Danbury<br>and State of Connecticut |
| (2) Michael K. Coffey<br>County of Ulster      | of Shokan<br>and State of New York     |
| and  |  |
| (3) Paul D. Moyer<br>County of Greene          | of Catskill<br>and State of New York   |

have invented certain improvements in

## METHOD, SYSTEM AND PROGRAM PRODUCTS FOR OPERATIONALLY MIGRATING A CLUSTER THROUGH EMULATION

and executed a United States Patent Application therefor on

(1) 9/30/99, (2) 9/30/99, and (3) 9/30/99.

Whereas, INTERNATIONAL BUSINESS MACHINES CORPORATION, a corporation of New York, having a place of business at New Orchard Road, Armonk, New York, 10504, (hereinafter called IBM), desires to acquire the entire right, title and interest in the said application and invention, and to any United States and foreign patents to be obtained therefor;

Now therefore, for a valuable consideration, receipt whereof is hereby acknowledged, we, the above named, hereby sell, assign and transfer to IBM, its successors and assigns, the entire right, title and interest in the said application and the invention therein disclosed for the United States and foreign countries, and all rights of priority resulting from the filing of said United States application, and we request the Commissioner of Patents to issue any Letters Patents granted upon the invention set forth in said application to IBM, its successors and assigns; and I hereby agree that IBM may apply for foreign Letters Patent on said invention and I will execute all papers necessary in connection with the United States and foreign applications when called upon to do so by IBM.

Signed

(1)

at Poughkeepsie, NY  
(City, State)

on Sept. 30, 1999

Steven E. Froehlich  
STEVEN E. FROEHLICH

(2)

at Poughkeepsie, NY  
(City, State)

on Sept. 30, 1999

Michael K. Coffey  
MICHAEL K. COFFEY

(3)

at Poughkeepsie, NY  
(City, State)

on Sept. 30, 1999

Paul D. Moyer  
PAUL D. MOYER